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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,222	04/17/2004	Paul Waterhouse	VAI.P-029	1167
53556	7590	03/08/2006		
OPPEDAHL & OLSON LLP- VAI P.O. BOX 5388 DILLON, CO 80435-5388			EXAMINER NGUYEN, TAN QUANG	
			ART UNIT	PAPER NUMBER
			3661	
DATE MAILED: 03/08/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

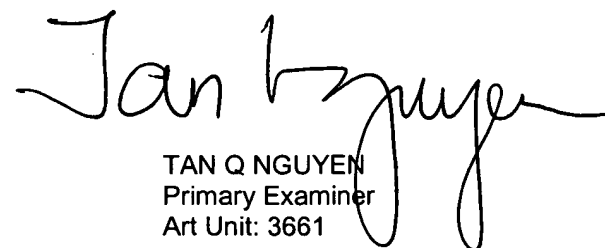
ART UNIT	PAPER
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20060305

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Commissioner for Patents


TAN Q NGUYEN
Primary Examiner
Art Unit: 3661

Office Action Summary

Application No.

10/826,222

Applicant(s)

WATERHOUSE ET AL.

Examiner

TAN Q. NGUYEN

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAIL ACTION

Notice to Applicant(s)

1. This application has been examined. Claims 1-14 are pending

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 6-10, 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Prageslas et al. (2002/0095308).
4. As per claims 1 and 6, Prageslas et al. disclose the invention as claimed which includes a vehicle operable to deliver a package to a destination of a user within a region (see figure 1, item 450), a positional location system for determining geographic position coordinates for sequential locations of the vehicle along the route thereof toward the destination (see figure 1, item 20 and paragraph 0048), a wireless transmitter means for transferring the geographic position coordinates to a central computer (see figure 2 and paragraph 0048), and a computer operable to providing periodic updated calculations to periodically estimate corresponding estimated arrival time data for the package to the destination and make it available to the customer (see at least paragraphs 0048, 0050-0052, 0059, 0064 and 0065).

5. As per claim 2, Prageslas et al. disclose that the positional location system is a GPS (see at least figure 1, item 20).
6. As per claim 3, Prageslas et al. further disclose the use of internet as a wireless means (see at least figure 1, item 4).
7. As per claim 7, Prageslas et al. also disclose the dynamic route list or map showing a planned route for vehicle and guiding the driver to delivery the package (see at least paragraph 0051).
8. With respect to claims 8-10, 13 and 14, the limitations of these claims have been noted in the rejections above. They are therefore considered rejected as set forth above.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prageslas et al. as applied to the claims above, and further in view of Westerlage et al. (5,987,377).

12. With respect to claim 4, Prageslas et al. disclosed the claimed invention as discussed above except for the ETA data is displayed on the positional map. However, such feature is taught in at least figure 4 of the Westerlage et al. which is motivated one of ordinary skill in the art to incorporate such teaching into the system of Prageslas et al. in order to provide better overview of not only the positional information but also the ETA associated to such positional information in the map display.

13. With respect to claim 11, the limitations of this claim have been noted in the rejection above. They are therefore considered rejected as set forth above.

14. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prageslas et al. as applied to the claims above, and further in view of Young (2004/0030604).

15. With respect to claim 5, Prageslas et al. disclosed the claimed invention as discussed above except for the option for the customer to modify delivery time. However, such feature is shown in at least figures 4-6 and the related text of the Young reference. It would have been obvious to an ordinary skill in the art the time the invention was made to incorporate the teaching of Young into the system of Prageslas et al. in order to provide the system with the enhanced capability of allowing the customer the option to modify the delivery time, thereby improving the delivery system.

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16. With respect to claim 12, the limitations of this claim have been noted in the rejection above. They are therefore considered rejected as set forth above.

Conclusion

17. All claims are rejected.

18. The following references are cited as being of general interest: Jones (6,411,891), Jones (6,975,998), Khan et al. (6,990,409), Hansen (2002/0156645), and Wagner (2004/0174260).

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tan Q. Nguyen, whose telephone number is (571) 272-6966. The examiner can normally be reached on Monday-Thursday from 5:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (571) 272-6956.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to the Official Fax Center:

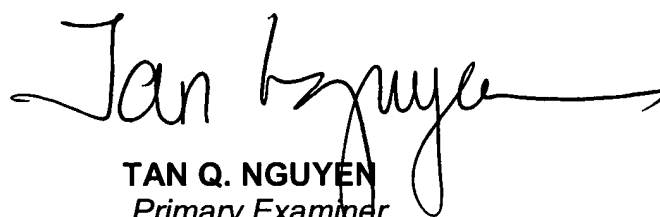
(571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/tqn
March 5, 2006


TAN Q. NGUYEN
Primary Examiner
Art Unit 3661